IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 6TH MARCH 2007 / 15TH PHALGUNA 1928

WP(C).No. 28368 of 2004(B)

PETITIONERS:

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1. **P.K. SHABU, AGED 29, S/O. P.K. KUMARAN, PADAPARAMBATH HOUSE, ELAVOOR P.O., ANKAMALY. (RANK NO.1022).**

2. **T.T. BENEDICT, S/O. T.D. THOMAS, THOTTAKATHU HOUSE, CHIRAYAM, PANAYIKULAM P.O., ALUVA. (RANK NO.1385).**

3. **DINESH C. NAIR, S/O. CHANDRASEKAHRAN NAIR, VELLAPPILLY HOUSE, KURUMASSERY P.O., ALUVA (RANK NO.1721).**

4. **P.S. SELVARAJA, S/O. P.K. SUPRAN, PADATHUPARAMBIL HOUSE, KOONAMMAVU P.O., ERNAKULAM DISTRICT. (RANK NO.2344).**

5. **M.V. SUPRAN, S/O. M.K. VELAYUDHAN, MADATHIKKATTIL, NORTH PIPE LINE H.M.T. COLONY P.O. KALAMASSERY. (RANK NO.3955).**

6. **R. PRADEEP KUMAR, S/O. T.P.RADHAKRISHNAN NAIR, THACHANATTIL HOUSE, CHENGAMANADU P.O., ALUVA (RANK NO.4549).**

7. **R. SUDHEER, S/O. A.V. RAGHAVA WARRIER, SARASWATHY NIVAS, CHENGAMANAD P.O., ALUVA (RANK NO.4797).**

8. **V.J. PRASANTHAN, S/O. V.A. JAYANANDAN, "PRASANTH", SHANMUGHAPURAM, PACHALAM, ERNAKULAM.**

9. **T.G. RAJAN, S/O. T. GOPALAN NAIR, THOTTIPARAMBIL HOUSE, MAIKKAD P.O., ALUVA.**

10. **P.B. VINOD, S/O. BASKARAN NAIR, PULIMOOTTIL HOUSE, MUPPATHADAM P.O., ALUVA (RANK NO.1347), (P.S.C. EMPLANELLED CONDUCTORS, KSRTC, ALUVA.)**

11. SABU MADHAVAN, S/O. M.K. MADHAVAN,
MUTHYAMKUNNEL, ARAKUZHA, MAMADANGU P.O.,
ERNAKULAM DISTRICT. (RANJK NO.1420).

12. K.A. VINOD, S/O. ANANDAN, KAKKANATTU
HOUSE, VARAPATTY P.O., KOTHAMANGALAM,
(RANK NO.1457).

13. S. RAJESH, S/O. P.V. SIVAN,
PRASEEDA BHAVAN, THRIKKALATHOOR P.O.,
MUVATTUPUZHA (RANK NO.1460).

14. M.R. JAYAKUMAR, S/O. M.S. RAVEENDRAN,
MAZAHUVANCHERIL, POOVAKULAM, KARAMALA P.O.,
KOOTHATTUKULAM (RANK NO.1469).

15. BINOY JOHN, S/O. K.K. JOHN,
KARAMALAYIL HOUSE, MULAKKULAM P.O.
ERNAKULAM DISTRICT (RANK NO.1507)

16. K.K. VIJAYAN, S/O. K.K. KUMARAN NAIR,
KALAPURAKKAL HOUSE, VAAZHUKULAM P.O.,
MUVATTUPUZHA, (RANK NO.21109).

17. K.B. SUNDARAN, S/O. K.K. BALAKRISHNAN,
KAROTTUKUNNATHU HOUSE, MEMURI,
PAMPAKUDA P.O., MUVATTUPUZHA, (RANK NO.2609).

18. N.B. SIVANAND, S/O. P.V. BHASKARAN NAIR,
ANANDA BHAVAN, NEAR N.G.O. QUARTERS,
MUVATTUPUZHA P.O., (RANK NO.3007).

19. A. RAJESH, S/O. AYYAPPAN NAIR,
ANAKUTHIYIL HOUSE, MEKKADAMPU P.O.,
MUVATTUPUZHA (RANK NO.3840).

20. NIZAR M.M., S/O. M.P. MOIDEEN,
MOONIKKATTU HOUSE, VANNAPPURAM P.O.,
ERNAKULAM DISTRICT

21. A.D. CEMAN, S/O. A.K. DAMODARAN,
ASSRUKUDIYIL HOUSE, INCHATHOTTY P.O.,
KOTHAMANGALAM.
(P.S.C. EMPANALLED CONDUCTOR K.S.R.T.C.,
MUVATTUPUZHA).

22. JOY PAUL, S/O. C.K. PULOSE,
CHAMAKKALA HOUSE, ALATTUCHIRA P.O.,
PERUMBAVOOR, (RANK NO.1497).

23. SHAJU AUGUSTINE, S/O. V.O. AUGUSTINE,
VELLUTHIKARAN HOUSE, DEVAGIRI,
ANAPPARA P.O., ANKAMALY, (RANK NO.2595).

24. JELMESH. M.S., S/O. M.K. SIVAN,
MOONATTU HOUSE, MANGATTUKARA, PULIYANARI P.O.,
ANKAMALY, (RANK NO.2694).

25. NANDAKUMAR. C.A., S/O. C.K. AYYAPPAN,
CHULLY HOUSE, MOOKKANNUR P.O., ANKAMALY.
(RANK NO.2920).

26. K.A. JAYAN, S/O. K.V. AYYAPPAN,
KAKKATTU HOUSE, VIMALAGIRI,
MALAYATTOOR P.O. (RANK NO.3684).

27. N.V. MADHUSOODANAN KARTHA,
S/O. M.D. VIJAYAN KUNJI, NJALOORKOTTA,
KURUPPUMPADY, RAYAMANGALAM P.O., PERUMBAVOOR.
(RANK NO.4503).

28. JIJO VASUDEVAN, S/O. K. VASUDEVAN,
BINDU NIVAS, MEKKAD P.O., ANDAMALY.
(P.S.C. EMPANELLED CONDUCTOR,
K.S.R.T.C., ANKAMALY.)

BY ADV. SRI.P.JAYAKUMAR
SRI.V.N.MOHANADASAN

RESPONDENTS:
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1. KERALA STATE ROAD TRANSPORT
CORPORATION, TRANSPORT BHAVAN,
THIRUVANANTHAPURAM.

2. THE SECRETARY, KERALA STATE PUBLIC
SERVICE COMMISSION, THIRUVANANTHAPURAM.

BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC - R2
SRI.T.RAVI KUMAR
SRI.SAJEEVKUMAR K.GOPAL, SC, KSRTC
SRI.K.PRABHAKARAN, SC, K.S.R.T.C. - R1
BY GOVERNMENT PLEADER SMT.M.LALITHA NAIR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 04/01/2007, ALONG WITH WPC NO. 18497 OF 2004 AND CONNECTED CASES
THE COURT ON 06.03.2007 DELIVERED THE FOLLOWING:

W.P.(C) NO.28368/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE JUDGMENT DT.25.7.03 IN OP. NO.32901/02.

EXT.P2:- COPY OF THE INTERIM ORDER IN W.A. 1874/03 DT.21.11.2003 OF THIS HONOURABLE COURT.

EXT.P3:- COPY OF THE SELECTION CARD AND APPOINTMENT ORDER OF THE 23RD PETITIONER DT.2.1.04.

EXT.P4:- COPY OF THE ALLOCATION OF SCHEDULES AS ON 1.8.04 PUBLISHED BY THE 1ST RESPONDENT.

EXT.P5:- COPY OF THE SCHEDULES OF ALLOCATION STATEMENT FOR 10/04.

EXT.P6:- COPY OF THE JUDGMENT DT.28.12.04 IN WA. NO.2317/04 OF THIS HONOURABLE COURT.

EXT.P7:- COPY OF THE LATEST SCHEDULES POSITION ON 1.12.04.

EXT.P8:- COPY OF THE RELEVANT PAGE OF THE MONTHLY TRADE UNION PUBLICATION 'TRANSPORT THOZHILALI' FOR 12/04.

EXT.P9:- COPY OF THE PAPER CUTTING IN DESABHIMANI DAILY DT.4.2.05.

EXT.P10:- COPY OF THE NEWS PAPER REPORT IN MALAYALA MANORAMA DT.29.3.05.

EXT.P11:- COPY OF THE STATEMENT SHOWING THE SCHEDULE AND STAFF STRENGTH DETAILS FOR 11/04.

EXT.P12:- COPY OF THE ALLOCATION OF SCHEDULES AS ON 1.2.06 VIDE MEMORANDUM DT.1.2.06 SHOWS THAT THE TOTAL NUMBER OF SCHEDULES AS ON 1.2.06 IS 4326 AND CREW SCHEDULE 4450.

EXT.P13:- COPY OF THE SCHEDULE DUTIES IN THE SCHEDULE POSTING OF ALUVA DEPOT WHICH CAME INTO EFFECT FROM 23.10.05.

EXT.P13:- COPY OF THE ORDER NO.PL.12.034252/04/TVM DT.4.1.05

ET.P14:- COPY OF THE DETAILS OF POSTING FOR 14.3.06 AND 15.3.06.

EXT.P15:- COPY OF THE LETTER NO.P10/4/06 DT.3.6.06 ISSUED BY THE 1ST RESPONDENT.

ANNEXURE R1:- COPY OF THE DETAILS OF AVERAGE NUMBER OF EMPANALLED CONDUCTORS ENGAGED FROM THE LIST OF KERALA PUBLIC SERVICE COMMISSION AND THE EMPANALLED CONDUCTORS FROM OUTSIDE, FURNISHED FROM THE OFFICE OF THE MANAGING DIRECTOR KSRTC TO THE STANDING COUNSEL FOR KSRTC ALONG WITH THE COVERING LETTER DT. 25.6.05.

ANNEXURE R1(a):- COPY OF THE LIST OF PERMANENT CONDUCTORS AS ON 31.12.04.

/TRUE COPY/

K. M. JOSEPH, J.

W.P.C. NOS. 18497, 28368, 28746, 33329,

37348 & 37557/04 & 23545 & 26022/05.

Dated this the 7th December , 2006

ORDER

An Affidavit has been filed by the Executive Director of the KSRTC in purported compliance with the order of this Court dated 1.11.2006. Petitioners have filed Reply Affidavits also to the same. It is the case of the KSRTC that there were a total of 7351 permanent Conductors as on 4.12.2004, besides 655 candidates appointed provisionally, making a total of 8006 Conductors. It is stated that there are 2257 provisionally appointed Conductors who were regularised as per order dated 6.10.2004. Among those who are shown as regularised, 60 persons were appointed in July, 2004 and they are also shown as regularised by Order dated 6.10.2004. One of the issues that has been raised by the petitioners is that regularisation is possible only on completion of 240 days. Therefore, the 60 persons appointed in July, 2004 could not possibly have been regularised

by Order dated 6.10.2004, is one of the aspects which requires explanation and an Affidavit is to be filed in this matter. Further, it is stated that on 17.12.2004, 719 persons were appointed. Of the same, 360 persons are shown as NJD. It is necessary that an Affidavit is filed showing what is the time granted to the 719 candidates to join duty and as to when the said vacancies (360) actually became NJD. It is further pointed out that in the Statement filed in W.A. No. 2317/04, the KSRTC has taken the stand that the requirement of Conductors as on 31.12.2004 is 10527. But, the stand taken now is that there should be 10175 Conductors. This difference in stand also calls for an Affidavit. Accordingly, the Executive Director who filed the Affidavit dated 20.11.2006 shall file an Affidavit in regard to the aforesaid matters on or before 13.12.2006.

Post on 13.12.2006 at 1/45 P.M.

H/O. to all parties.

Kbk. **K. M. JOSEPH, JUDGE**